



**United States Department of the Interior**  
**Fish and Wildlife Service**  
Detroit River Sub-Office  
9311 Groh Road  
Grosse Ile, Michigan 48138  
Phone: 734/692-7628



April 4, 2012

Robert Steede, Manager of Environmental Operations Enbridge Energy Co.  
1601 Pratt Avenue  
Marshall, MI 49068-9546

**On behalf of:**

Enbridge Energy, Limited Partnership  
Enbridge Energy Partners, LP

**By Certified Mail Return Receipt Requested**

RE: Presentation to Responsible Party of Interim, Partial Claim for Natural Resource Damage Assessment Costs for the Enbridge Pipeline Oil Spill, Pursuant to 33 U.S.C. § 2713

Dear Mr. Steede:

This Presentment Letter (Letter) is written on behalf of the state, federal and tribal trustees charged with public trust responsibilities for natural resources (the Trustees) injured and/or threatened by the July 26, 2010 Enbridge Pipeline 6B Oil Spill and associated removal efforts. (the Incident). The Trustees<sup>1</sup> have authority under the Oil Pollution Act (OPA) (33 U.S.C. §§ 2701 et seq.) and the Natural Resource Damage Assessment Regulations (15 C.F.R. Part 990) promulgated pursuant to OPA (OPA NRDA Regulations), to conduct a Natural Resource Damages Assessment (NRDA) of injuries to their trust resources caused by the Incident. The OPA NRDA Regulations, at 15 C.F.R. 990.27, set forth standards for trustees to consider in the selection of potential assessment procedures. The Trustees have considered those standards and have selected certain assessment procedures to determine and quantify such injuries.

By this Letter, and pursuant to 33 U.S.C. § 2713, the Trustees present to Enbridge a claim, in the sum of \$636,479 for estimated contractor costs to implement an assessment of Recreational Use as described in the attached Assessment Plan. Please be advised that the budget for the Recreational Use Assessment is an estimate and actual costs may vary once detailed planning and design begin and/or as new information becomes available. The Recreational Use Assessment addresses injury determination activities, as described at 990.51 of the OPA NRDA Regulations, and quantification activities as described in 990.52 of those regulations, but does not include those activities contemplated by 990.53 of the Regulations. In addition, the Trustees will conduct additional natural resource injury studies, restoration planning, and other assessment activities, including additional Recreational Use Assessment, depending on the results of the initial Recreational Use Assessment to be funded by the amount set forth above. Consequently, the claim presented herein is for interim, short term injury assessment only.

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<sup>1</sup> The Trustees include the United States Department of the Interior, acting through the Fish and Wildlife Service and the Bureau of Indian Affairs; the United States Department of Commerce, acting through the National Oceanic and Atmospheric Administration; the State of Michigan, acting through the Department of Environmental Quality, the Department of Natural Resources, and the Department of Attorney General; the Nottawaseppi Huron Band of the Potawatomi; and the Match-E-Be-Nash-She-Wish Band of Pottawatomi.

Be further advised that the NRDA estimated costs for the Recreational Use Assessment (and the claim upon which it is based) are only for those procedures performed by the Trustees' contractor. The Trustees may incur additional costs related to this assessment, however; the Trustees will continue to coordinate in an effort to avoid duplicative activities and unnecessary costs.

If you wish to obtain more information about the Recreational Use Assessment that the Trustees intend to undertake please contact me at 734-692-7628. Should Enbridge decline to pay the above claim it is the intent of the Trustees, in accordance with 33 U.S.C. § 2713 (c) and (d), to make a claim to the National Pollution Fund Center (NPFC) upon the expiration of ninety (90) days from the date of the presentment of this claim to Enbridge. Initiating the Recreational Use Assessment is time-critical. If Enbridge decides, in less than 90 days, not to fund some or all of the Trustee selected Recreational Use Assessment activities, please advise us at your earliest opportunity so we may avoid unnecessary delay in filing a claim with the NPFC to obtain funding for those activities. Thank you for your consideration in this matter.

Sincerely yours,



Stephanie Millsap, Ph.D.  
Lead Administrative Trustee, Enbridge Line 6B NRDA  
U.S. Fish and Wildlife Service

Attachments:  
Assessment Framework  
Recreational Use Assessment Plan

CC: Electronic  
Mark Curwin, Enbridge Energy  
Jim Snider, Enbridge Energy  
Bob Doherty, Enbridge Energy  
Kate Barfield, NOAA, Office of General Counsel  
Jessica Winter, NOAA  
William Brooks, Esquire  
John Rodwan, Nottawaseppi Band of Potawatomi  
Jeffrey L. Jocks, Esquire  
R. Todd Williamson, Match-E-Be-Nash-She-Wish Band of Pottawatomi  
Polly Synk, Michigan, Office of the Attorney General  
Sharon Hanshue, Michigan Department of Natural Resources  
Nicole Zacharda, Michigan Department of Environmental Quality  
Kelly Bakayza, DOI Solicitors Office  
Steve Willey, U.S. Department of Justice